

1 Christopher T. Holland [SBN 164053] (cholland@kksrr.com)  
2 Tanya I. Wei [SBN 240867] (twei@kksrr.com)  
3 Matthew T. Peters [SBN 256739] (mpeters@kksrr.com)  
4 KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP  
5 555 Montgomery Street, 17th Floor  
6 San Francisco, CA 94111  
7 Telephone: (415) 249-8330  
8 Facsimile: (415) 249-8333

9  
10 Attorneys for Defendant  
11 THE DIAL CORPORATION

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SAN FRANCISCO TECHNOLOGY INC.,

Case No. 5:10-cv-00966-JF

Plaintiffs,

v.

THE GLAD PRODUCTS COMPANY,  
BAJER DESIGN & MARKETING INC.,  
BAYER CORPORATION, BRIGHT IMAGE  
CORPORATION, CHURCH & DWIGHT  
CO. INC., COLGATE-PALMOLIVE  
COMPANY, COMBE INCORPORATED,  
THE DIAL CORPORATION, EXERGEN  
CORPORATION, GLAXOSMITHKLINE  
LLC, HI-TECH PHARMACAL CO. INC.,  
JOHNSON PRODUCTS COMPANY INC.,  
MAYBELLINE LLC, MCNEIL-PPC INC.,  
MEDTECH PRODUCTS INC., PLAYTEX  
PRODUCTS INC., RECKITT BENCKISER  
INC., ROCHE DIAGNOSTICS  
CORPORATION, SOFTSHEEN-CARSON  
LLC, SUN PRODUCTS CORPORATION,  
SUNSTAR AMERICAS INC.

**STIPULATION AND [PROPOSED]  
ORDER SEVERING CLAIMS  
AGAINST THE DIAL  
CORPORATION**

Defendants.

1 Plaintiff San Francisco Technology Inc. (“Plaintiff”) and the undersigned defendant, The  
2 Dial Corporation (“Dial”), through their respective counsel, hereby make the following  
3 stipulation (the “Stipulation”):

4 WHEREAS, Plaintiff filed its Complaint (Dkt. No. 1) on March 5, 2010 (the “Complaint”)  
5 alleging that Dial as well as other defendants falsely marked articles in violation of 35 U.S.C. §  
6 292; and

7 WHEREAS, on May 7, 2010, Dial previously filed a Motion to Dismiss or, in the  
8 Alternative, to Stay, or in the Further Alternative, to Sever (Dkt. No. 159); and

9 WHEREAS, on June 22, 2010, the Court granted Plaintiff’s and Dial’s stipulation to stay  
10 the proceedings and all aspects of the case with respect to Dial, including Dial’s previous Motion  
11 to Dismiss and/or Sever, and further Ordered that “[t]he responsive pleading of Defendants The  
12 Dial Corporation and Johnson Products Company Inc. are hereby due 30 days” following “further  
13 order of the Court in accordance with the Federal Circuit’s decision in *Stauffer*” (Dkt. No. 238);

14 WHEREAS, the Court lifted the stay on October 14, 2010 (Dkt. No. 319); and

15 WHEREAS, in its July 19, 2010 Order, the Court found good cause to sever other  
16 defendants in these proceedings (Dkt. No. 315);

17 THEREFORE, THE PARTIES HEREBY STIPULATE THAT:

18 Plaintiff’s claims against Dial should be severed into a separate case; and

19 As previously stipulated and Ordered, Dial has until November 15, 2010 to move, answer,  
20 or otherwise respond to Plaintiff’s Complaint, and except for venue and personal jurisdiction, all  
21 rights, defenses, and/or arguments of either party remain intact.

22 Respectfully submitted,

23 Dated: October 22, 2010

24 KRIEG, KELLER, SLOAN, REILLEY &  
25 ROMAN LLP

26 By: /s/  
27 Christopher T. Holland  
Counsel for The Dial Corporation

28 In accordance with General Order No. 45, Section X(B), the above signatory attests that

1 concurrence in the filing of this document has been obtained from the signatory below.

2 Dated: October 22, 2010

MOUNT & STOELKER, P.C.

3

4

By: /s/

5

6

7

8

9

10

11 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** The Clerk of the Court shall open a  
12 new case number for *San Francisco Technology, Inc. v. The Dial Corporation*, which case shall  
13 be assigned to The Honorable Jeremy Fogel, and shall file a copy of the Complaint in this action  
14 and this Order under that new case number once it is assigned.

15

16

17

Dated: 10/27/10

By:

  
THE HON. JEREMY FOGEL  
United States District Court Judge

18

19

20

21

22

23

24

25

26

27

28